

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF MULTNOMAH

AMBER JOHNSON,  
individually,

Plaintiff,

v.

ERIC COON, individually, EXTENDED  
STAY AMERICA, INCORPORATED, an  
Oregon Domestic Business Corporation;  
ESA P PORTFOLIO LLC, a foreign  
limited liability company; ESA  
MANAGEMENT LLC, a foreign limited  
liability company, ESA P PORTFOLIO  
OPERATING LESSEE LLC, a foreign  
limited liability company, ESH  
HOSPITALITY INCORPORATED, a  
foreign corporation; and CORPORATION  
XYZ 1-5, unnamed corporate entities,

Defendants.

CASE NO.

COMPLAINT

(Personal Injury; Premises Liability;  
Negligence; Assault & Battery;  
Intentional Infliction of Emotional  
Distress)

(Amount of Prayer: \$20,000,000)

Jury Trial Requested

CLAIM NOT SUBJECT TO  
MANDATORY ARBITRATION

Filing Fee Under ORS 21.160(1)(e):  
\$1,178

**JURISDICTION & VENUE**

1.

Plaintiff, Amber Johnson (“Ms. Johnson”) is a resident of Gresham, Oregon, County of  
Multnomah.

2.

Defendant, Extended Stay America, Incorporated (“Extended Stay”), is an Oregon Domestic Corporation. Extended Stay owns and operates a chain of hotels across the country. Extended Stay owns, leases, manages, and/ or maintains a hotel known as Extended Stay America Suites Portland - Gresham, located at 17777 NE Sacramento Street, Gresham, Oregon <sup>1</sup> where Plaintiff resided and where Plaintiff was shot. Extended Stay had a duty to maintain the property in such a matter as to avoid unsafe conditions for individuals such as the Plaintiff.

3.

Defendant, ESA P Portfolio LLC (“ESA P Portfolio”), is a foreign limited liability company incorporated in Delaware and headquartered in North Carolina. ESA P Portfolio conducts business in the city of Gresham, Oregon, County of Multnomah. ESA P Portfolio owns, leases, manages, and/ or maintains a hotel known as Extended Stay America Suites Portland - Gresham, located at 17777 NE Sacramento Street, Gresham, Oregon where Plaintiff resided and where Plaintiff was shot. ESA P Portfolio had a duty to maintain the property in such a matter as to avoid unsafe conditions for individuals such as the Plaintiff.

4.

Defendant, ESA Management LLC (“ESA Management”), is a foreign limited liability company incorporated in Delaware with headquarters in North Carolina. ESA Management conducts business in the city of Gresham, Oregon, County of Multnomah. ESA

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<sup>1</sup> The Hotel also is also listed as being located in the city of Portland. However, according to the Multnomah County Assessor’s website, the address is located in the city of Gresham.

1 Management owns, leases, manages, and/ or maintains a hotel known as Extended Stay  
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3 America Suites Portland - Gresham, located at 17777 NE Sacramento Street, Gresham,  
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5 Oregon where Plaintiff resided and where Plaintiff was shot. ESA Management had a duty  
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7 to maintain the property in such a matter as to avoid unsafe conditions for individuals such  
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9 as the Plaintiff.

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12 Defendant, ESA P Portfolio Operating Lessee LLC (“ESA Operating Lessee”), is a  
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14 foreign limited liability company incorporated in Delaware and headquartered in North  
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16 Carolina. ESA Operating Lessee conducts business in the city of Gresham, Oregon, County  
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18 of Multnomah. ESA Operating Lessee owns, leases, manages, and/ or maintains a hotel  
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20 known as Extended Stay America Suites Portland - Gresham, located at 17777 NE  
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22 Sacramento Street, Gresham, Oregon where Plaintiff resided and where Plaintiff was shot.  
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24 ESA Operating Lessee had a duty to maintain the property in such a matter as to avoid  
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26 unsafe conditions for individuals such as the Plaintiff.

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29 Defendant, ESA Hospitality Incorporated (“ESA Hospitality”), is a foreign corporation  
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31 incorporated in Delaware and headquartered in North Carolina. ESA Hospitality conducts  
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33 business in the city of Gresham, Oregon, County of Multnomah. ESA Hospitality owns,  
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35 leases, manages, and/ or maintains a hotel known as Extended Stay America Suites  
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37 Portland - Gresham, located at 17777 NE Sacramento Street, Gresham, Oregon where  
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1 Plaintiff resided and where Plaintiff was shot. ESA Hospitality had a duty to maintain the  
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3 property in such a manner as to avoid unsafe conditions for individuals such as the Plaintiff.  
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7 Defendant XYZ Corporation 1-5 are those entities whose identity are not yet known  
8 but, at all times relevant to the facts herein, conducted business as managers and/ or owners  
9  
10 of a hotel known as Extended Stay America Suites Portland - Gresham, located at 17777  
11 NE Sacramento Street, Gresham, Oregon. Defendants, XYZ Corporation 1-5 are those  
12 who own, lease, manage, and/ or maintain the property where Plaintiff resided and where  
13 Plaintiff was shot. Defendants XYZ Corporation 1-5 had a duty to maintain the property in  
14 such a manner so as to avoid unsafe conditions for individuals such as the Plaintiff. Upon  
15 discovery of the identities of XYZ Corporation 1-5, Plaintiff will amend this complaint to  
16 reflect their true names.  
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25 Defendants, XYZ Corporation 1-5, ESA Hospitality, ESA Operating Lessee, ESA  
26 Management, ESA P Portfolio, and Extended Stay are collectively herein referred to as  
27 “Defendants” unless otherwise specified.  
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32 Defendant, Eric Allen Coon, is a resident of the Oregon State Correctional Institution  
33 located in Salem, Oregon, county of Marion.  
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10.

The accident giving rise to this cause of action took place at the hotel known as Extended Stay America Suites Portland - Gresham, located at 17777 NE Sacramento Street, Gresham, County of Multnomah, (“Extended Stay Hotel” or “Hotel”) on property owned and managed by Defendants.

11.

Jurisdiction and Venue are proper.

**FACTS**

12.

Amber Johnson and her fiancé, Jordon Jones, moved into Extended Stay Hotel (“the Hotel”) located at 17777 SE Sacramento Street, Gresham, Oregon, on or about November 2020.

13.

During all times relevant to the facts alleged herein, Ms. Johnson continued to pay rent for a room at the Hotel.

14.

Extended Stay Hotel has a long history of criminal activity located on its property, including but not limited to, violent criminal acts committed against persons and property. According to the Gresham Police Department’s General Offense Report Synopsis with a date range of January 2016 through October 18, 2022, criminal offenses ranged from assault, theft of a vehicle, execution of warrants for fugitives, trespassing, drug offenses,

1 larceny from vehicles, larceny from buildings, recovery of stolen property, violation of  
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3 restraining orders, vandalism, investigations into death of persons, identity theft, attempted  
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5 murder, homicide, and rape.

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9 Surrounding the property, Defendants installed a fence enclosing the parking lot and  
10 property at the Hotel.

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14 At the front of the property, the fence acted as an automatic gate that, with the proper  
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16 key or access code, would allow a tenant to open the gate and permit one car to enter the  
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18 property at a time.

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22 During the time Ms. Johnson was staying at the Hotel, the automatic gate was not  
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24 operational and was held in the open position allowing third parties to enter the property at  
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26 will to commit criminal acts.

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30 In addition, the property was equipped with lights in and around the parking lot.  
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32 However, the lights were also in disrepair.

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36 On multiple occasions, Ms. Johnson was a victim of criminal acts from third parties  
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38 who would enter the property.

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3 As an example, Ms. Johnson's car was vandalized and was subject to an attempted  
4 theft. In addition, on one occasion, an individual broke into Ms. Johnson's room and  
5 attacked fellow tenant, Jordan Jones. Police were summoned as the perpetrator barricaded  
6 himself in Ms. Johnson's room.  
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12 Due to the high volume of criminal activity, Ms. Johnson and her fiancé, on multiple  
13 occasions, requested better security. Namely, Ms. Jones continued to request that the gate  
14 be repaired to prevent third parties from entering the property.  
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19 Despite the requests and high volume of criminal activity, the gate was never repaired  
20 and no adequate security was provided.  
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25 On or about January 12, 2021, Ms. Johnson was pulling into the parking lot with a  
26 friend. Ms. Johnson entered the parking lot through the broken gate and parked her car in a  
27 parking space.  
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32 Unbeknownst to Ms. Johnson, her friend's boyfriend, Eric Coon, and another male,  
33 followed Ms. Johnson's car into the parking lot and pulled behind her car preventing her  
34 from backing up or leaving from the parking space.  
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3 Mr. Coon then got out of the car and approached Ms. Johnson's vehicle.

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7 Mr. Coon brandished a firearm and proceeded to shoot Ms. Johnson's friend who was  
8 sitting in the passenger seat.  
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12 After, Mr. Coon shouted to his male companion, "What do we do with the witness?"  
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14 Mr. Coon then looked at Plaintiff and said, "No witnesses, bitch!" and proceeded to shoot  
15  
16 her multiple times.

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19 In total, Ms. Johnson was shot in the neck, shoulder, head, and hand.  
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23 According to the Emergency Room diagnosis, she suffered a frontal skull fracture, a  
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25 fracture of the parietal bone of the skull, cerebral edema, subdural hematoma, an open  
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27 fracture of trapezium of the right wrist, an open fracture of the first metacarpal bone of the  
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29 right hand, an open fracture of the second metacarpal bone of the right-hand subarachnoid  
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31 hemorrhage, and traumatic pneumocephalus.

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34 Due to the inadequate security at the Hotel, Ms. Johnson was shot and suffered injury.  
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36 Ms. Johnson continues to suffer from her injuries today, including but not limited to,  
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38 suffering from a traumatic brain injury.  
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**FIRST CAUSE OF ACTION – PREMISES LIABILITY**

31.

Plaintiff re-alleges the facts as fully set forth herein.

32.

Defendants had a special relationship with Ms. Jonson in that she was a paying tenant of the Hotel.

33.

Ms. Johnson was a tenant and business invitee of the Hotel.

34.

Defendants thus had a duty to keep and maintain the property in a safe condition so as to prevent foreseeable harm and injury to Ms. Johnson.

35.

Defendants were aware of the high volume of criminal activity in the area and on the Hotel's property, including, but not limited to, activity that would likely result in physical assault.

36.

Defendants were on notice that the Hotel property was not safe and that the existing measures to keep the property safe from criminal activity were in disrepair.

37.

Defendants thus had a duty to protect Ms. Johnson from reasonably foreseeable criminal acts of third parties.

38.

This duty includes taking reasonable steps to protect tenants and invitees on the Hotel's property from foreseeable criminal acts by third parties.

39.

Defendants breached their duty by failing to warn and make safe the Hotel. The Defendants failed to provide proper protection to tenants and invitees, including but not limited to, the failure to properly light the parking lot and failure to maintain the security gate.

40.

As a result of Defendants' breach, Ms. Johnson has suffered damages that will be proven at trial.

41.

Defendants' failure to take reasonable steps to protect tenants and invitees resulted in Ms. Johnson being shot by a third party. In breaching this duty, Defendants' actions constituted a reckless and outrageous indifference to the highly unreasonable risk of harm posed by the criminal acts of third parties. Defendants acted with a conscious indifference to the health, safety, and welfare of their tenants and invitees.

**SECOND CAUSE OF ACTION – NEGLIGENCE**

42.

Plaintiff re-alleges the facts as fully set forth herein.

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3 Defendants had a duty to act in a manner that did not put tenants and invitees of the  
4 Hotel at risk of injury.

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8 Defendants failed to keep the premises in a manner that would protect tenants and  
9 business invitees from risk, including but not limited to, injuries cause by the criminal acts  
10 of third parties.  
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15 Defendants breached its duty to keep Ms. Johnson safe from criminal acts of third  
16 parties by failing to properly provide adequate protection and security measures for Ms.  
17 Johnson while on the Hotel's property. In breaching this duty, Defendants' actions  
18 constituted a reckless and outrageous indifference to the highly unreasonable risk of harm  
19 posed by the criminal acts of third parties. Defendants acted with a conscious indifference  
20 to the health, safety, and welfare of their tenants and invitees.  
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26 As a result of Defendants' breach, Ms. Johnson has suffered damages that will be  
27 proven at trial.  
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30 **THIRD CAUSE OF ACTION – ASSAULT, BATTERY & INTENTIONAL**  
31 **INFLICTION OF EMOTIONAL DISTRESS AGAINST ERIC COON**  
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35 Plaintiff re-alleges the facts as fully set forth herein.  
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3 Defendant Eric Coon intentionally made unwanted, harmful and offensive contact with  
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5 Ms. Johnson when he shot her multiple times causing injury.

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8 Defendant Eric Coon intentionally acted in a manner that caused Ms. Johnson imminent  
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10 fear of unwanted, harmful and offensive contact prior to shooting Ms. Johnson multiple  
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12 times causing injury.

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15 Defendant Eric Coon, by way of his intentional actions against Ms. Johnson as alleged  
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17 herein, caused Ms. Johnson extreme emotional distress.

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20 Defendant Eric Coon acted with malice and reckless and outrageous indifference to the  
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22 highly unreasonable risk of harm to Ms. Johnson when he shot her multiple times.  
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24 Defendant Eric Coon acted with a conscious indifference to the health, safety, and welfare  
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26 of Ms. Johnson.  
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30 As a result of Defendant, Eric Coon's actions as alleged herein, Ms. Johnson has  
31  
32 suffered damages that will be proven at trial.

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34 **DAMAGES**

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53.

As a result of the conduct of all Defendants, and each of them, Plaintiff suffered economic harms, including by not necessarily limited to medical expenses and income loss in an amount stated herein (\$2,000,000) or an amount to be proven at trial.

54.

As a result of the conduct of Defendants and each of them, Ms. Johnson has experienced and still experiences pain, suffering, and other noneconomic damages in an amount stated herein, (\$18,000,000) or an amount to be proven at trial.

WHEREFORE, Plaintiff hereby prays for the following relief:

1. For Judgment in favor of Plaintiff and against all Defendants;
2. Economic damages in the amount of \$2,000,000, subject to amendment at or before trial;
3. Noneconomic damages in the amount of \$18,000,000, subject to amendment at or before trial;
4. For an award of punitive damages against all Defendants pursuant to Oregon law, including ORS 31.730; and
5. For any other such relief that this court deems necessary and equitable.

DATED this 10th day of January, 2023.

LEAVY SCHULTZ DAVIS, P. S.

By: /s/ Christopher R. Blodgett  
Christopher R. Blodgett, OSB #226732  
Attorneys for Plaintiff

1 Trial Attorneys:  
2

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